

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **03-2856/3** Introduction Number **SB-214**

Subject
 Licenses to carry a concealed weapon

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

Increase Existing Appropriations
 Increase Existing Revenues
 Increase Costs - May be possible to absorb within agency's budget
 Decrease Existing Appropriations
 Decrease Existing Revenues
 Yes No
 Create New Appropriations
 Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. Increase Costs 3. Increase Revenue
 Permissive Mandatory
 Permissive Mandatory
 2. Decrease Costs 4. Decrease Revenue
 Permissive Mandatory
 Permissive Mandatory

5. Types of Local Government Units Affected

Towns Village Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOJ 9/29/2003

LRB Number	03-2856/3	Introduction Number	SB-214	Estimate Type	Updated
Subject					
Licenses to carry a concealed weapon					

Assumptions Used in Arriving at Fiscal Estimate

Summary/DOJ Duties

This legislation would create a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon. Under the bill, among other duties, the Department of Justice (DOJ) would be required to:

1. Design application forms
2. Create a design for license documents
3. Create a unique code number and unique identification number for each license issued.
4. Perform a firearms restriction record search for each applicant
5. Issue a unique approval or non-approval for each applicant
6. Receive a duplicate copy of each license application form from the submitting county sheriff
7. Maintain computerized records identifying the names of all licensees along with information concerning each individual as provided to the Department by the local sheriff
8. Receive arrest and conviction information from local law enforcement and court personnel regarding potentially revocable charging events and convictions.
9. Provide information concerning a specific individual who is a license holder to law enforcement personnel, including information on revocable offenses.

DOJ Assumptions

Based upon the experience of other comparable states and the annual number of existing background checks conducted by the Department's "Handgun Hotline," it is estimated that at least 30,000 to 40,000 applications for a concealed carry permit would be made in the first year. Additionally, DOJ estimates that at least 20,000 additional applications will be made in each subsequent year.

Handgun Hotline – Deficit Status

Existing funding for Wisconsin's Handgun Hotline is insufficient to meet the annual costs of the program. At the conclusion of the current fiscal year, the Hotline is expected to carry forward a deficit of approximately \$800,000. Nothing in this legislation will address the persistent and chronic underfunding of the Wisconsin Handgun Hotline. Moreover, this legislation will place additional strains on the resources and personnel currently assigned to this program.

DOJ – State Costs

Under this legislation, DOJ would be required to conduct criminal history background checks on an anticipated 30,000-40,000 applicants for concealed carry permits. The anticipated volume of concealed carry permit applicants is roughly equal to the annual calls currently received by the Handgun Hotline for similar background checks. Based upon the costs of the existing program, and given potential economies of scale, the Department anticipates the following costs related to processing 30-40,000 concealed carry permit applications.

State Costs – Applicant Criminal History Checks

Information Technology Costs

Data Server & Software Licenses \$129,000

Oracle Support \$29,000

Web Server & Software Licenses \$95,000

Necessary Development Costs

Programming \$ 75,000

TIME Interface Requirements \$128,000

4 Additional Criminal History Sepcialists

Salary @ \$21,817 each \$87,268
Fringe benefits @ \$7,226 each \$28,904
One-time supplies/equipment @\$10,850 \$43,400
On going supplies @ \$5,000 \$20,000

Sub-Total DOJ Applicant Criminal History Checks \$635,572

In addition to the background checks required of permit applicants, the Department is required under the bill to provide information to law enforcement agencies across the state for the following: (1) to confirm that license is valid; (2) to confirm that an individual holds a valid license; and (3) to investigate false statements in connection with a request for a license. Because the bill provides for the immediate access to this information, it is assumed that the DOJ call center would need to be staffed twenty-four hours, seven days a week. Current hours of operation for the call center is limited to 9am to 9pm Monday through Friday and from 9am to 5pm Saturday and Sunday. As a result, an additional three additional staff will be required to provide an additional 92 hours per week of coverage.

State Costs - Expanded Hotline Hours (Manual Process)
3 Additional Criminal History Sepcialists
Salary @ \$21,817 each \$65,451
Fringe benefits @ \$7,226 each \$23,568
One-time supplies/equipment @\$10,850 \$32,550
On going supplies @ \$5,000 \$15,000

Sub-Total for Expanded Hotline Hours \$136,569

Note: As an alternative, the Department could develop an on-line automated system accessible to local law enforcement agencies to determine if a given individual has such a permit, or has applied for one. While not clearly a permissible alternative under the bill, the estimated cost of this option (development of an E-TIME transaction system) would be approximately \$25,000.

Under the legislation, the Department of Justice (DOJ) will be required to provide "immediate" communication with local clerks of courts and sheriffs related to a large volume of local charging and conviction events. Under the bill:

1. The Clerk of Courts are required to "immediately" notify DOJ of the name of any individual that is charged with any crime that if convicted would disqualify the person from having a license;
2. The Clerk of Courts are also required to "immediately" notify DOJ of the name of any individual that is convicted of any crime that would disqualify the person from having a license;
3. DOJ is required to "immediately" notify the Sheriff of the name of any individual that is charged with any crime that if convicted would disqualify the person from having a license.
4. DOJ is required to "immediately" notify the Sheriff of the name of any individual that is convicted with any crime that would disqualify the person from having a license.

In 2001 the Clerks of Courts recorded 134,064 offenses that if convicted would disqualify the person from having a carry conceal license. Of those charged, 56,252 were convicted. As such a minimum number of 190,316 notices from the clerks of courts to DOJ would have had to have been made. Additionally, the Department would have to communicate some unspecified portion of those contacts to local Sheriff's offices.

To handle and process this volume of contacts, the time required to process, enter and communicate was estimated at 5 minutes per event. At 2001 levels, which are likely a minimum of such contacts in future years, these contacts would require an additional 15,860 hours of Departmental staff time.

190,316 contacts x 5 minutes processing time = 951,580 minutes = 15,860 hours.

Note: These numbers reflect the felony charges filed in Wisconsin circuit courts and misdemeanor offenses charged under Wis. Statute Chapters 940, 941, 948, 961, 947.01 and 947.013 in the year 2001. This does not include data from Portage and Walworth counties as they currently do not use the CCAP case management systems.

To accommodate this volume of contacts, the Department estimates it would require the addition of nine criminal history specialists.

State Costs – County Charge/Conviction Data Exchange
9 Additional Criminal History Specialists

Salary @ \$21,817 each \$196,353
Fringe benefits @ \$7,226 each \$ 70,704
One-time supplies/equipment @10,850 \$ 97,650
On going supplies @ \$5,000 \$ 45,000

Sub-Total for county charge/conviction data exchange \$409,707

NOTE: While not clearly a permissible alternative under the bill, the Department could develop a redundant database to track any individual in the state of Wisconsin who is charged with specific disqualifying offenses and or convictions. DOJ would envision using a web based system. The development costs for such a system are estimated to be between \$90,000 and \$290,000. This estimate, however, does not address development costs associated with the Clerks of Court and/or CCAP or any additional costs that may be incurred to law enforcement agencies.

***TOTAL DOJ YEAR ONE COSTS: \$1,181,848

Local Costs

Implementation of a tamperproof license, as outlined in the bill, will result in both one time and on-going costs for local Sheriff's offices. Additionally, the costs associated with the on-going reporting of charging and conviction data, will impose both short and long term costs on local law enforcement and court officials.

Equipment

To arrive at the local costs imposed by this bill, the Department of Justice reviewed the experiences of both the Department of Corrections and Transportation with their current ID issuing functions. As a result of this review and additional information provided to the Department, DOJ estimates that each county Sheriff will be required to purchase and maintain the following equipment: personal computer, keyboard, mouse, Sensor Mast (digital camera) Eltron P500 card printer, license application software, and other equipment as necessary.

Equipment costs to each county government \$ 32,000

Subtotal of Equipment costs to 72 county governments \$2,304,000

Personnel

Training of deputy sheriffs and desk clerks will likely be a necessary component of any local licensing arrangement, such as that proposed by this legislation. Among the many costs imposed upon local governments as a result of this legislation are the following: training on the equipment, processing the applications, taking digital photographs, issuing licenses, processing changes of address, reissuing lost or destroyed licenses, suspending or revoking previously issued licenses for those charged or convicted of a disqualifying arrest and filing the written answer for appeals for denials in circuit court and license expiration or renewal.

This legislation specifically requires the clerk of each court to notify the sheriff of court proceedings that would require suspension or revocation of a license. In the last year alone, 134,064 charges were filed in Wisconsin that would trigger this requirement. Additionally, 56,252 of these charges resulted in convictions that would disqualify a licensee. As such a minimum number of 190,316 notices from the clerks of courts to DOJ would have had to have been made. Additionally, the Department would have to communicate some unspecified portion of those contacts to local Sheriff's offices.

Approximate time for Sheriff's Department staff to complete the necessary training and other tasks required under this bill estimated to be one hour per application. This estimate includes, but is not limited to the following tasks: Staff training activities, time required to process each application, necessary background investigations, complete paperwork, photograph the applicant, issue the card, and process charge/conviction information as forwarded by DOJ. Given the number of estimated applicants (~35,000), it can be assumed that county sheriffs offices will spend approximately 35,000 hours processing these applications. Based upon a typical work year of 1560 hours, this legislation will require the addition of approximately 22.4 FTE deputy sheriff positions. According to law enforcement officials, each additional deputy sheriff position can be estimated to cost county law enforcement agencies approximately \$50,000, including benefits. Statewide personnel costs for sheriffs can be estimated at a minimum to be \$1,120,000.

22.4 additional FTE positions x \$50,000 personnel costs = \$1,120,000

Costs to local governments as a result of this legislation are not limited to sheriffs department's who are required under this legislation to issue permits. Additional costs will be borne by county court officials who, on

an on-going basis, will be required to coordinate data with the Department of Justice related to disqualifying arrests and convictions. In the last year alone, 134,064 charges were filed in Wisconsin that would trigger this requirement. Additionally, 56,252 of these charges resulted in convictions that would disqualify a licensee. As such a minimum number of 190,316 notices from the clerks of courts to DOJ would have had to have been made. In addition to the time necessary to process each potentially disqualifying event, there would likely be substantial follow up required by local court officials and law enforcement agencies as well as for DOJ. Assuming that each charging decision and each conviction required only 5 minutes to process and communicate the requisite information to the appropriate personnel. Based upon a typical work year of 1560 hours, this legislation will require the addition of approximately 10 FTE clerical positions throughout the clerk of courts system. Assuming that each additional clerk of court official position cost local governments \$30,000 including benefits, the following total costs can be anticipated:

Subtotal of necessary Court officer personnel costs \$300,000

***Total Local Government Year One Costs \$3,724,000

The legislation, as proposed, would generate revenue, through fees charged, that would offset some of the costs identified above. It is worth noting, however, that the revenue allocation scheme envisioned in the bill would not meet the costs anticipated for every level of government affected. The fees generated under this bill, per applicant, are as follows:

Revenue

While the legislation authorizes counties to impose a maximum fee of \$75 per applicant, it is uncertain how many will do so. If every county applied the maximum for every applicant, assuming 35,000 applicants, this legislation would generate approximately \$2,625,000 in revenue for counties.

Additionally, the bill requires that each applicant pay the following:

1. DOJ firearms restriction record search. This fee is currently set at \$8. DOJ anticipates a \$800,000 deficit within the existing handgun hotline that is not addressed by this legislation and which may be further exacerbated without additional resources.
2. A shooting range improvement fee of \$15.
3. A law enforcement excellence fee of \$15.

Long-Range Fiscal Implications